



## National Transportation Safety Board

Washington, D.C. 20594

OCT 11 2005

Office of the Chairman

Honorable David Law  
Michigan House of Representatives  
State Capitol  
Post Office Box 30014  
Lansing, Michigan 48909

Dear Representative Law:

I was pleased to learn that you are sponsoring H.B. 5133, legislation restricting holders of a temporary instruction permit or a level 1 or 2 graduated license from operating a motor vehicle while using a cellular telephone.

Despite the revolutionary changes in driver licensing practices that have been adopted in Michigan and elsewhere, teen drivers continue to be involved in an alarming number of highway crashes, and such crashes continue to be the leading cause of death among teenagers. Therefore, the National Transportation Safety Board has made a number of safety recommendations to Michigan and the other States regarding young, learning drivers, and considers these recommendations so important that they are included on our "Most Wanted" list of safety improvements.

In 2003, as a result of a February 2002 accident that occurred on the Capitol Beltway, in Largo, Maryland, the Safety Board recommended that Michigan restrict the use of wireless communication devices by drivers in the graduated licensing system. In that accident, a young woman who was talking on her cell phone lost control of her vehicle; it crossed the median, flipped over, and landed on top of an oncoming minivan, killing the woman and four other people. While the Board recognizes that having access to communication in one's vehicle can be valuable, young, inexperienced, learning drivers should attend only to the task of driving.

Enclosed is a copy of the 2003 safety recommendation letter more fully describing the Safety Board's investigation and recommendation. As you will note, the Safety Board recommended that States prohibit the use of all "interactive wireless communication devices." We urge Michigan Legislature to approve H.B. 5133 with this broader language to include text messaging and related activities.

Please do not hesitate to contact me if you would like more information about the Safety Board's recommendations or if there is any way that I can be of assistance to you in your efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Rosenker", is written over a horizontal line.

Mark Rosenker  
Acting Chairman

Enclosure



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

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**Date:** June 13, 2003

**In reply refer to:** H-03-08

15 Governors  
(See attached list.)

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The National Transportation Safety Board is an independent Federal agency charged by Congress with investigating transportation accidents, determining their probable cause, and making recommendations to prevent similar accidents from occurring. We are providing the following information to urge your State to take action on the safety recommendation in this letter. The Safety Board is vitally interested in this recommendation because it is designed to prevent accidents and save lives.

This recommendation addresses the need for legislation to prohibit holders of learner's permits and intermediate licenses from using interactive wireless communication devices while driving. The recommendation is derived from the Safety Board's investigation of the February 1, 2002, Ford Explorer Sport collision with a Ford Windstar minivan and a Jeep Grand Cherokee on Interstate 95/495 near Largo, Maryland,<sup>1</sup> and is consistent with the evidence we found and the analysis we performed. As a result of this investigation, the Safety Board has issued nine safety recommendations, one of which is addressed to 48 States (exclusions—Maine and New Jersey). Information supporting this recommendation is discussed below. The Safety Board would appreciate a response from you within 90 days addressing the actions you have taken or intend to take to implement our recommendation.

On February 1, 2002, about 8:00 p.m., on the outer lanes of Interstate 95/495 near Largo, Maryland, a 1998 two-door Ford Explorer Sport, traveling northbound at an estimated speed of 70 to 75 mph, veered off the left side of the roadway, crossed over the median, climbed up a guardrail, flipped over, and landed on top of a southbound 2001 four-door Ford Windstar minivan. Subsequently, a 1998 four-door Jeep Grand Cherokee ran into the minivan. Of the eight people involved in the accident, five adults were fatally injured, one adult sustained minor injuries, and two children were uninjured.

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<sup>1</sup> For additional information, read National Transportation Safety Board, *Ford Explorer Sport Collision With Ford Windstar Minivan and Jeep Grand Cherokee on Interstate 94/495 Near Largo, Maryland, on February 1, 2002*, Highway Accident Report NTSB/HAR-03/02 (Washington, DC: NTSB, 2003).

The National Transportation Safety Board determined that the probable cause of the February 1, 2002, collision of the Ford Explorer Sport with the Ford Windstar minivan and Jeep Grand Cherokee was the Explorer driver's failure to maintain directional control of her high-profile, short-wheelbase vehicle in the windy conditions due to a combination of inexperience, unfamiliarity with the vehicle, speed, and distraction caused by use of a handheld wireless telephone. Contributing to the severity of the accident was the lack of an effective median barrier at the accident site.

This accident involved multiple risk factors, some of which are associated with young drivers. The accident driver, who was 20 years old, inexperienced, and unbelted, was operating a high-profile, short-wheelbase, sport utility vehicle, with which she was unfamiliar, 15 to 20 miles over the speed limit, while talking on a handheld wireless telephone.

Although the accident driver was 20 years old, she had limited driving experience. She had been licensed for 3 years; however, she did not own an automobile until purchasing the Explorer. Her mother, with whom she resided, also did not own an automobile. The driver had occasionally borrowed a vehicle, and her driving experience apparently did not extend beyond that. She was, in effect, a novice driver.

The accident driver was also unfamiliar with the Explorer. The night of the accident was the first time she had driven this vehicle, and during the approximately 2 hours before the collision, she drove the car less than 50 miles. In the Largo accident, the driver traveled at a high rate of speed, oversteered, and failed to maintain directional control. A landmark study of accident causation<sup>2</sup> found that "unfamiliarity with the vehicle was associated with accidents where maintaining adequate directional control could have prevented the crash" and unfamiliarity was "also associated with excessive speed and improper evasive action." The Safety Board concludes that due to her unfamiliarity with the vehicle, operating inexperience, and distraction, the accident driver exercised poor judgment in maintaining a speed too fast for the existing, windy conditions and was unable to maintain directional control of her vehicle.

At the time of the collision, the accident driver was engaged in a handheld wireless telephone conversation. Her friend stated that "she suddenly yelled twice, and the call disconnected." Wireless telephone records confirm that the accident driver placed a call moments before the accident. She was following her friend and lost sight of him. The cognitive effect of this conversation may have been greater than that of a casual conversation. Additionally, she was probably scanning the traffic ahead, looking for her friend, and her attention to the task of driving was probably diverted.

Research has shown that the cognitive effects of conducting a conversation on a wireless telephone can decrease situational awareness and that wireless telephone use can increase reaction time. In their 2001 study,<sup>3</sup> Parkes and Hooijmeijer reported that drivers engaged in wireless telephone conversations were unaware of traffic movements around them. Safety Board

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<sup>2</sup> J.R. Treat and others, "Tri-Level Study of the Causes of Traffic Accidents: Final Report," Institute for Research in Public Safety, Indiana University, NHTSA Contract DOT-HS-034-3-535, May 1979.

<sup>3</sup> A.M. Parkes and V. Hooijmeijer, "Driver Situation Awareness and Carphone Use," First Human-Centered Transportation Simulation Conference, 2001, University of Iowa, Iowa City, Iowa, November 4-7, 2001.

accident investigations<sup>4</sup> in several transportation modes have documented the relationship between poor situational awareness and poor performance. These investigations found that when airline pilots, railroad engineers, and ship crews lose situational awareness, they sometimes make operational errors that lead to accidents. In the case of the Largo accident driver, the potential decrease in situational awareness is likely to have delayed her awareness of the effects of the wind on her vehicle. This delayed recognition of and reaction to the effects of wind probably precipitated her steering overreaction. Therefore, the Safety Board concludes that the accident driver's distraction due to the wireless telephone conversation with her friend contributed to her loss of control of the vehicle.

This accident involved multiple risk factors, and the Safety Board could not determine the exact extent of the role of distraction due to wireless telephone use. However, use of a wireless telephone while driving is inherently dangerous, as is any distraction that diverts one's attention from the driving task. Young, inexperienced drivers are particularly vulnerable to accidents, are easily distracted, and are known to engage in risk-taking behavior. In 2002, the Safety Board investigated two accidents, Largo, Maryland, and Korona, Florida,<sup>5</sup> in which young drivers were following another vehicle, lost control, and ran off the road. The Largo and Korona accident drivers were 20 and 16 years old, respectively; both were unbelted and engaged in wireless telephone conversations when they lost control of their vehicles. Young drivers continue to be overrepresented in traffic crashes and deaths. In 2001, according to the National Highway Traffic Safety Administration, drivers under age 20 constituted only 6.8 percent of the driving population but were involved in 14.3 percent of fatal accidents and 18 percent of the total societal accident costs. While the Board recognizes that having access to communication in one's vehicle can be valuable, drivers in this age group, in particular, should attend only to the task of driving.

Many States, recognizing the vulnerability of drivers in the under-20 age group, have enacted graduated license strategies in an effort to reduce crashes involving young novice drivers. New Jersey recently passed a law<sup>6</sup> prohibiting holders of driver's examination permits from using any interactive wireless device while operating a motor vehicle. On May 23, 2003, the Governor of Maine signed a law restricting drivers under age 18, including persons with an

<sup>4</sup> (a) National Transportation Safety Board, *Derailment of Amtrak Train No. 2 on the CSXT Big Bayou Canal Bridge Near Mobile, Alabama, September 22, 1993*, Railroad-Marine Accident Report NTSB/RAR-94/01 (Washington, DC: NTSB, 1994). (b) National Transportation Safety Board, *Aircraft Accident in Guantanamo Bay, Cuba, August 18, 1993*, Aviation Accident Report NTSB/AAR-94/04 (Washington, DC: NTSB, 1994). (c) National Transportation Safety Board, *Controlled Flight Into Terrain, Korean Air Flight 801, Boeing 747-300, HL7468, Nimitz Hill, Guam, August 6, 1997*, Aviation Accident Report NTSB/AAR-00/01 (Washington, DC: NTSB, 2000). (d) Aeronautica Civil of the Government of Colombia, *Controlled Flight Into Terrain, American Airlines Flight 965, Boeing 757-223, N651AA, Near Cali, Colombia, December 20, 1995*, Aircraft Accident Report. (e) National Transportation Safety Board, *Ramming of the Spanish Bulk Carrier URDULIZ by the USS DWIGHT D. EISENHOWER (CVN 69), Hampton Roads, Virginia, August 29, 1988*, Marine Accident Report NTSB/MAR-90/01 (Washington, DC: NTSB, 1990). (f) National Transportation Safety Board, *Grounding of the U.S. Tank Ship STAR CONNECTICUT, Pacific Ocean, Near Barbers Point, Hawaii, November 6, 1990*, Marine Accident Report NTSB/MAR-92/01 (Washington, DC: NTSB, 1992). (g) National Transportation Safety Board, *Grounding of the Panamanian Passenger Ship ROYAL MAJESTY on Rose and Crown Shoal Near Nantucket, Massachusetts, June 10, 1995*, Marine Accident Report NTSB/MAR-97/01 (Washington, DC: NTSB, 1992). (h) National Transportation Safety Board, *Head-on Collision of Two Burlington Northern Santa Fe Freight Trains Near Clarendon, Texas, on May 28, 2002*, Railroad Accident Report NTSB/RAR-03/01 (Washington, DC: NTSB, 2003).

<sup>5</sup> Docket Number HWY-02-IH-016.

<sup>6</sup> Bill AB 3241, enacted January 14, 2002.

instruction permit and holders of a restricted license, from "operating a motor vehicle while using a mobile phone."<sup>7</sup> The Safety Board concludes that current State laws are inadequate to protect young, novice drivers from distractions that can lead to accidents.

Therefore, the National Transportation Safety Board recommends that the 48 States that do not have legislation prohibiting holders of learner's permits and intermediate licenses from using interactive wireless communication devices:

Enact legislation to prohibit holders of learner's permits and intermediate licenses from using interactive wireless communication devices while driving. (H-03-08)

The Safety Board also issued safety recommendations to the National Highway Traffic Safety Administration, the American Driver and Traffic Safety Education Association, and The Advertising Council, Inc. In addition, the Board reiterated safety recommendations to the Federal Highway Administration and the American Association of State Highway and Transportation Officials. In your response to the recommendation in this letter, please refer to H-03-08. If you need additional information, you may call (202) 314-6177.

Chairman ENGLEMAN, Vice Chairman ROSENKER, and Members GOGLIA, CARMODY, and HEALING concurred in this recommendation.

*Original Signed*

By: Ellen G. Engleman  
Chairman

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<sup>7</sup> Legislative Document 1439.